

Act into effect, prescribing penalties, and declaring an emergency;"

And find the same correctly engrossed.

COFER, Chairman.

PETITIONS AND MEMORIALS.

By Senator Lattimore:

Petition numerously signed by members and officers of the First Texas Battalion, United Confederate Veterans, composed of Company A, Dallas; Company B, Fort Worth; Company C, Weatherford, and Company D, of Terrell, asking the Legislature to enact a law admitting said battalion into the State as a guard of honor, subject to the call of the Governor.

By Senator McNealus:

Petition signed by members of the Dallas Fire Department asking support of legislation securing to paid firemen free transportation or reduced rates on railroads while such members are in attendance upon their district or national conventions.

By Senator Adams:

Petition signed by members of W. C. T. U. of Ballinger, Texas, asking assistance and the use of all honorable means in the effort to eradicate polygamy and polygamist practices.

By Senators Cofer and Bryan:

Petition numerously signed by citizens of Grayson and Taylor Counties, respectively, of Texas, favoring enactment of the following Senate bills:

Senate bill making it a misdemeanor for a person to give a check on a bank when the person has no money in said bank to meet the check on presentation.

Senate bill imposing a special tax on persons who sell so-called bankrupt and damaged stocks of merchandise in towns other than their place of residence.

Senate bill amending the law as to peddlers by specifically defining a peddler.

Senate bill giving mortgagee the right to inspect mortgaged property at any time.

By Senator Bryan:

Petition numerously signed by members of the Order of the Sons of

Hermann asking the Thirty-second Legislature to amend Section 10, Chapter 36, Acts of the Thirty-first Legislature.

By Senator Paulus:

Petition signed by members of Pestalozzi Lodge, No. 43, O. D. H. S., of Welcome, Austin County, Texas, asking the Legislature to amend Section 10, Chapter 36, Acts of the Thirty-first Legislature.

By Senator Kauffman:

Petition numerously signed by citizens of his district asking support of the measure known as the Texas Itinerant Drug Venders' Bill.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,
Monday, January 30, 1911.

Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Astin.

Weinert.

Prayer by the Chaplain.

Pending the reading of the Journal of Saturday, on motion of Senator Perkins, the same was dispensed with.

REGULAR ORDER.

The Chair called the regular order of business.

(See appendix for Petitions and Memorials and Standing Committee reports.)

SIMPLE RESOLUTION.

By Senator Willacy:

Whereas, The best interests of the several educational and eleemosynary institutions of the State require inspection by committees from the Finance Committee; and

Whereas, In the interest of economy and efficient service it is necessary that inspection be made so that the Legislature may act intelligently in making appropriations of the people's money; therefore, be it

Resolved, That the Finance Committee be authorized to send subcommittees to the said several institutions for the purpose of inspection and that the expenses of said trips of inspection be paid out of the contingent expense fund of the Thirty-second Legislature.

Senator Meachum offered the following amendment:

Amend by adding the following:

"Said expense accounts to be paid upon approval of the Chairman of the Finance Committee."

The amendment was adopted.

The resolution as amended was then adopted.

SIMPLE RESOLUTION.

By Senator Terrell of McLennan:

Motion—I move that the Senate rescind its action taken on January 23, 1911, in adopting Senate Rule 69a.

TERRELL of McLennan.
WATSON,
HUDSPETH.

Senator Watson moved the previous question on the above motion.

Senator Cofer made a point of order on the motion, contending that it should be to rescind the whole rules and not a particular section.

The Chair overruled the point of order.

The motion for the previous question was then adopted.

Action recurred on the resolution by Senator Terrell of McLennan and the same was adopted by the following vote:

Yeas—14.

Adams.	Kauffman.
Carter.	Meachum.
Hudspeth.	Murray.
Hume.	Paulus.

Peeler.
Perkins.
Real.

Terrell, McLennan.
Watson.
Willacy.

Nays—13.

Bryan.
Cofer.
Collins.
Johnson.
Lattimore.
Mayfield.
McNealus.

Sturgeon.
Terrell, Wise.
Townsend.
Vaughan.
Ward.
Warren.

PAIRED.

Senator Ratliff (present), who would vote "nay," with Senator Astin (absent), who would vote "yea."

Senator Greer (present), who would vote "nay," with Senator Weibert (absent), who would vote "yea."

SIMPLE RESOLUTION.

By Senator Terrell of McLennan:

Motion—I move that the rules of the Thirty-second Senate be amended by adding thereto Rule 69a and 69e, as follows: The following standing committees are hereby created and the members thereof shall be appointed by the Lieutenant Governor:

1. A Committee on Congressional Districts.

2. A Committee on Senatorial Districts.

3. A Committee on Representative Districts.

Each of said committees to consist of such members as the Lieutenant Governor shall appoint.

Rule 69e. The foregoing rules, 69a and 69e, shall not be amended, changed or rescinded except by two-thirds vote of the Senate elected.

TERRELL, of McLennan,
WATSON,
HUDSPETH.

Senator Hudspeth moved the previous question on the above, which was duly seconded.

Senator Cofer made a point of order on the resolution that it could not be considered until the conclusion of the morning call.

President Pro Tem. Hudspeth was called to the chair, and held that this being a motion to change the rules, would be in order, thereby overruling the point of order.

Action then recurred on motion for the previous question.

Senator Cofer moved to refer the resolution to the Committee on Rules, and Senator Meachum made the point of order that the previous question had been made and seconded, which was sustained.

Senator Cofer then appealed from the ruling of the chair on this and his former point of order.

Senator Ratliff was called to the chair and presided during the appeal.

Question—Shall the Chair be sustained?

The Chair was sustained by the following vote:

Yeas—13.

Adams.	Peeler.
Carter.	Perkins.
Hume.	Real.
Kauffman.	Terrell, McLennan.
Meachum.	Watson.
Murray.	Willacy.
Paulus.	

Nays—12.

Bryan.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

Present—Not Voting.

Hudspeth. McNealus.

PAIRED.

Senator Greer (present), who would vote "nay," with Senator Wehnert (absent), who would vote "yea."

Senator Ratliff (present), who would vote "nay," with Senator Astin (absent), who would vote "yea." (President Pro Tem. Hudspeth again took the chair.)

Action then recurred on the motion for the previous question, which had been seconded.

The previous question was ordered by the following vote:

Yeas—15.

Adams.	Hume.
Carter.	Kauffman.
Cofer.	Meachum.
Hudspeth.	Murray.

Paulus.	Terrell, McLennan.
Peeler.	Watson.
Perkins.	Willacy.
Real.	

Nays—11.

Bryan.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Sturgeon.	

Present—Not Voting.

McNealus.

PAIRED.

Senator Greer (present), who would vote "nay," with Senator Wehnert (absent), who would vote "yea."

Senator Ratliff (present), who would vote "nay," with Senator Astin (absent), who would vote "yea."

Senator Cofer then moved to reconsider the vote by which the previous question was ordered.

Senator Meachum made the point of order that a motion to reconsider a vote for the previous question was out of order.

The Chair, President Pro Tem Hudspeth, held that the motion was in order, but was not debatable.

The motion to reconsider the vote by which the previous question was ordered was lost by the following vote:

Yeas—12.

Bryan.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

Nays—14.

Adams.	Paulus.
Carter.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kauffman.	Terrell, McLennan.
Meachum.	Watson.
Murray.	Willacy.

Present—Not Voting.

McNealus.

PAIRED.

Senator Greer (present), who would vote "yea," with Senator Weinert (absent), who would vote "nay."

Senator Ratliff (present), who would vote "yea," with Senator Astin (absent), who would vote "nay."

Action then recurred on the pending resolution, and Senator Lattimore asked to offer a substitute, but the Chair held that the previous question having been ordered, it was not in order.

Pending further discussion, Senator Lattimore asked for a division of the question, but the Chair held that as the previous question had been ordered the request came too late.

Action then recurred on the motion by Senator Terrell of McLennan and the same was adopted by the following vote:

Yeas—15.

Adams.	Paulus.
Carter.	Peeler.
Cofer.	Perkins.
Hudspeth.	Real.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	Willacy.
Murray.	

Nays—11.

Bryan.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Sturgeon.	

Present—Not Voting.

McNealus.

PAIRED.

Senator Greer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Senator Ratliff (present), who would vote "nay," with Senator Astin (absent), who would vote "yea."

Senator Cofer then moved to reconsider the vote by which the resolution by Senator Terrell of McLennan, et al, was adopted and spread that motion on the Journal.

Senator Meachum moved to table the motion, but later withdrew same.

Pending discussion, Lieutenant Governor Davidson took the Chair, and pending further discussion Senator Murray was called to the Chair.

RECESS.

Pending further discussion, Senator Lattimore moved that the Senate recess until 2 o'clock today.

The motion to recess was adopted by the following vote:

Yeas—14.

Bryan.	McNealus.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

Nays—11.

Adams.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kauffman.	Terrell, McLennan.
Meachum.	Watson.
Murray.	Willacy.
Paulus.	

PAIRED.

Senator Greer (present) who would vote "yea," and Senator Weinert (absent) who would vote "nay."

Senator Ratliff (present), who would vote "yea," with Senator Astin (absent), who would vote "nay."

AFTER RECESS.

The Senate was called to order by President Pro Tem Hudspeth.

PENDING BUSINESS.

Action recurred on the pending motion by Senator Cofer to reconsider the vote by which the resolution by Senator Terrell of McLennan, relative to the rules, was adopted, and to spread that motion on the Journal.

Pending discussion, Senator Watson moved, as a substitute, to reconsider the vote by which the resolution was passed, and lay that motion on the table.

Senator Meachum moved the previous question on the substitute mo-

tion, which being duly seconded was so ordered.

Action recurred on the substitute motion first, and the same was adopted by the following vote:

Yeas—14.

Adams.	Paulus.
Carter.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kauffman.	Terrell, McLennan.
Meachum.	Watson.
Murray.	Willacy.

Nays—13.

Bryan.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

PAIRED.

Senator Ratliff (present), who would vote "nay," with Senator Austin (absent), who would vote "yea."

Senator Greer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Hall of the House of Representatives, Austin, Texas, Jan. 30, 1911.

Hon. A. B. Davidson, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 19, relating to the members of the House and Senate of the Thirty-second Legislature visiting the Agricultural and Mechanical College February 4, 1911.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

SIMPLE MOTION.

By Senator Watson:

I move that the Senate rescind its action in adopting Senate Rule 69b.
TERRELL of McLennan,
WATSON,
HUDSPETH.

Senator Meachum moved the previous question, which was seconded, and Senator Lattimore moved that the above motion be referred to the Committee on Rules.

The Chair held that the motion came too late, as the previous question had already been seconded.

Senator Watson then asked unanimous consent to withdraw the motion and Senator Cofer objected.

Senator Watson moved that he be allowed to withdraw the motion, which motion prevailed by the following vote:

Yeas—14.

Adams.	Paulus.
Carter.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kauffman.	Terrell, McLennan.
Meachum.	Watson.
Murray.	Willacy.

Nays—13.

Bryan.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

PAIRED.

Senator Greer (present), who would vote "nay," with Senator Weinert (absent), who would vote "yea."

Senator Ratliff (present), who would vote "nay," with Senator Austin (absent), who would vote "yea."

SIMPLE RESOLUTION.

By Senator Watson:

Whereas, W. J. Cunningham of Taylor county, an honored ex-member of the State Senate of Texas, is now in the city; therefore, be it

Resolved, That he be invited to address the Senate and be extended the privilege of the floor.

The resolution was read and adopted.

The Chair appointed Senators Bryan, Watson and Greer to escort Senator Cunningham to the President's stand, who addressed the Senate.

SIMPLE RESOLUTION.

By Senator Vaughan:

Whereas, The Hon. Cone Johnson of Tyler has attained a position of eminence in the walks of life unaided by official position, but by those qualities of mind and heart that make him one of the noblest characters in our State; and,

Whereas, We commend to our friends of the anti-persuasion that they follow his example and help us drive the liquor from our State; therefore, be it

Resolved by the Senate, That the Hon. Cone Johnson be invited to address the Senate of Texas at such time as he may name, and that a copy of this resolution be forwarded to him by the Secretary of the Senate.

The resolution was read and adopted.

HOUSE CONCURRENT RESOLUTION NO. 19.

Senator Mechum called up House Concurrent Resolution No. 19,

A resolution relating to the members of the House and Senate of the Thirty-second Legislature visiting the Agricultural and Mechanical College February 4, 1911.

Senator Meachum offered the following amendment, which was read and adopted:

On account of absence of members upon committees of inspection, amend the resolution by striking out the date inserted, and insert in lieu thereof Friday, February 10th, as the time for adjournment until Monday, February 13th, and that the Agricultural and Mechanical College be visited on Saturday, February 11th.

MEACHUM,
WILLACY.

The resolution was then adopted by the following vote:

Yeas—14.

Adams.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kauffman.	Sturgeon.
Meachum.	Terrell, McLennan.
Murray.	Watson.
Paulus.	Willacy.

Nays—13.

Bryan.	McNealus.
Carter.	Terrell, Wise.
Cofer.	Townsend.
Collins.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	

PAIRED.

Senator Ratliff (present), who would vote "nay," with Senator Austin (absent), who would vote "yea."

Senator Greer (present), who would vote "nay," with Senator Weibert (absent), who would vote "yea."

REASONS FOR VOTING.

I vote "nay" upon the resolution because I promised my people not to vote for any excursions for this Legislature. I am heartily in favor of the Agricultural and Mechanical College and shall vote for liberal appropriations for same.

TOWNSEND.

The Chair appointed Senators Sturgeon, Watson and Meachum as the committee on arrangements as above provided for in the resolution.

SIMPLE RESOLUTION.

By Senator Mayfield:

Whereas, Judge William Poindexter is a man of high honor and unimpeachable character and stands high in the esteem and affections of Prohibition Democrats of Texas; therefore, be it

Resolved by the Senate, That he be invited to address this Senate in the near future on "campaign contributions," or any other subject he may choose.

MAYFIELD,
COFER,
BRYAN.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Hume:

Whereas, Joseph G. Cannon is not a Democrat, but is a great man about to lose his job; be it

Resolved, That he be invited to address the Senate on "Rules and How to Change Them."

On motion of Senator Vaughan, the resolution was tabled.

SIMPLE RESOLUTION.

By Senator Sturgeon:

Invitation—Col. E. L. Doheney of Paris, Texas, one of the framers of our present Constitution and the pioneer of State-wide Prohibition, will speak in the lower House of the Texas Legislature, February 2 (at night), 1911; therefore, be it

Resolved, That the Senate is hereby invited to hear him.

The resolution was read and adopted.

BILLS AND RESOLUTIONS.

By Senator Perkins:

Senate bill No. 151, A bill to be entitled "An Act to regulate the practice of veterinary medicine, surgery and dentistry; creating a board for the examination of applicants for the practice of veterinary medicine, surgery and dentistry, prescribing their powers, duties and qualifications, said board to be known as the 'State Board of Veterinary Medical Examiners,' prescribing penalties for a violation of the provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Johnson:

Senate bill No. 152, A bill to be entitled "An Act to create the Seventy-first Judicial District of the State of Texas, to fix the time of holding the terms of District Court in the counties composing said district; to provide for the appointment of a judge and district attorney in said district; to make all processes issued or served before this Act goes into effect, including recognizances and bonds returnable to the terms of the District Court as herein fixed, to attach the unorganized counties of Cochran and Hockley to Lubbock county for judicial and other purposes; to reorganize the Thirty-second, Fiftieth and Sixty-fourth judicial districts of the State of Texas; to fix the time for the holding of the terms of court in each of the counties comprising each of the said Thirty-second, Fiftieth and Sixty-fourth judicial districts; to provide for the return of all processes to each of the courts of said three last named judicial districts; to provide

for the attaching of the unorganized county of Bailey to Castro county for judicial and other purposes; declaring an emergency and repealing all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Judicial Districts.

By Senator Cofer:

Senate bill No. 153, A bill to be entitled "An Act appropriating the sum of ten thousand (\$10,000) dollars, or so much thereof as may be necessary to be expended under the direction of the Comptroller of Public Accounts in the enforcement of the liquor and revenue laws of this State, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Kauffman:

Senate bill No. 154, A bill to be entitled "An Act to amend the charter of the city of Galveston so as to provide for the initiative and referendum of ordinances and the recall of elective officers in the City of Galveston, by adding to said charter Sections 5a, 5b, 5c, 5d and 5e, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Lattimore:

Senate bill No. 155, A bill to be entitled "An Act to erect memorials to commemorate the unselfish devotion to duty, exalted patriotism and heroic services of Texas soldiers during the war between the States; to provide and create a commission to carry out the provisions of this Act and to make an appropriation therefor, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Townsend:

Senate bill No. 156, A bill to be entitled "An Act to amend Article 1318 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, requiring the charge of the court in civil cases tried in district and county courts to be filed with the clerk, to constitute a part of the record of the cause, and regulating the manner of making objections and taking exceptions to the action of the court in giving such

charge, and in giving or refusing special charges.

Read first time and referred to Committee on Judiciary No. 1.

By Senator Cofer, by request:

Senate Joint Resolution No. 6, proposing to amend Section 1, Article 8, of the Constitution of the State of Texas, relating to taxation, by exempting cotton and woolen mills manufacturers, including ground, machinery and property incident to such business.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Warren:

Senate Joint Resolution No. 7, A joint resolution proposing an amendment to Article 4, Sections 2, 4, 22 and 23; to Article 5, Sections 9, 15, 20, 21 and 23; to Article 8, Sections 14 and 16, and to Article 16, Sections 36 and 44, of the Constitution of the State of Texas, providing for a four years term of office for certain State and county officers; fixing the time for the election, directing a proclamation therefor, and making an appropriation to defray the expenses of such election.

Read first time and referred to Committee on Constitutional Amendments.

CONCURRENT RESOLUTION.

By Senator Vaughan:

Concurrent resolution No. 11, Resolved by the Senate, the House concurring, that Whereas, Federal Law now permits the issuance of a license to sell intoxicating liquors in any place, without regard to whether it may be against State law to sell intoxicating liquors in such place, and Whereas, this fact renders it more difficult for the State to enforce State laws, prohibiting the sale of intoxicating liquors and local option laws adopted by various localities, prohibiting the same, therefore,

Be it Resolved, That we declare ourselves in favor of such action by the Congress of the United States as will prohibit the issuance of a license to engage in the sale of intoxicating liquors to anyone to carry on such business in any place where, by State or local law, the sale of such liquors has been prohibited, and to this end we request the members of Congress, both in the Senate and in the House from this State, to support such legislation as is contemplated by the bill introduced

in Congress by Lively, of Texas (same being House Resolution 31726).

Read and referred to Committee on Judiciary No. 1.

Morning call concluded.

EXCUSED.

On account of important business: Senator Astin for today, on motion of Senator Meachum.

Senator Collins for last Saturday, on motion of Senator Cofer.

SUBSTITUTE SENATE BILLS NOS. 10 AND 86.

On motion of Senator Johnson, the pending business (simple resolutions) was suspended, and the Senate took up, out of its order, Substitute Senate bills Nos. 10 and 86, by the following vote:

Yeas—24.

Adams.	Paulus.
Bryan.	Peeler.
Collins.	Ratliff.
Greer.	Real.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
McNealus.	Warren.
Meachum.	Watson.
Murray.	Willacy.

Nays—1.

Mayfield.

Present—Not Voting.

Carter.	Sturgeon.
Cofer.	

Absent.

Perkins.	Weinert.
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Absent—Excused.

Astin.

(Senator McNealus in the chair.)

The Chair laid before the Senate on second reading, Senate bill Nos. 10 and 86. The bills were read, and Senator Hudspeth moved to adopt the Committee report, which recommended a substitute bill for the two bills referred to.

(President Pro Tem. Hudspeth in the chair.)

The committee report was adopted, and the Chair laid before the Senate on second reading

Committee Substitute Senate Bill No. 10 and 86, A bill to be entitled "An act to amend Article 21, Title 4, of the Revised Civil Statutes of Texas, and to amend an Act passed by the Thirtieth Legislature creating the Sixth Supreme Judicial District of Texas, and to create the Seventh and Eighth Supreme Judicial Districts of Texas, and to provide for the organization of a Court of Civil Appeals within the Seventh Supreme Judicial District of Texas, and to provide for the organization of a Court of Civil Appeals within the Eighth Supreme Judicial District of Texas, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Senator Bryan offered the following amendment, which was read and adopted:

Strike out the words "Dawson and Howard" from line 2, page 9, and add same to the end of Section 2, page 8.

Senator Bryan offered the following amendment, which was read and adopted:

Strike out the words "Scurry" from Section 7, place same in Section 2 of the bill.

Senator Johnson offered the following amendment, which was read and adopted:

Amend line 8, page 9, to read "One Chief Justice and two Associate Justices" for the Seventh Supreme Judicial District.

Bill read second time, and ordered engrossed.

On motion of Senator Johnson, the Constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Peeler.
Bryan.	Perkins.
Collins.	Ratliff.
Hudspeth.	Real.
Hume.	Sturgeon.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Mayfield.	Vaughan.
McNealus.	Ward.
Meachum.	Warren.
Murray.	Watson.
Paulus.	Willacy.

Nays—3.

Carter.	Lattimore.
Cofer.	

Absent.

Greer.	Weinert.
Terrell, McLennan.	

Absent—Excused.

Astin.

The bill was read third time and passed by the following vote:

Yeas—23.

Adams.	Perkins.
Bryan.	Ratliff.
Collins.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, Wise.
Johnson.	Vaughan.
Kauffman.	Ward.
McNealus.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—5.

Carter.	Mayfield.
Cofer.	Townsend.
Lattimore.	

Absent.

Greer.	Terrell, McLennan.
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Absent—Excused.

Astin.

Senator Johnson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING.

I vote "nay" because I am unwilling to create two Courts of Civil Appeals. The Amarillo and El Paso propositions are joined and I have no opportunity of voting on the measures separately. Therefore I am constrained to vote against the measures. I do not believe two additional courts should be established.

COFER.

I agree to above and add as further reasons that I believe there is neither business nor population sufficient to support the proposed El Paso court. I favor the Amarillo court.

LATTIMORE.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Jan. 30, 1911.

Hon. A. B. Davidson, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House Concurrent Resolution No. 19, and the following have been appointed on part of the House:

Messrs. Rowell, Byrne, and Watson.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

(Senator Meachum in the Chair.)

REPLIES TO INVITATIONS.

Brownsville Texas, Jan. 29, 1911.

Mr. Clyde D. Smith, Secretary Senate,
Austin, Texas.

I greatly appreciate invitation extended by Senate; shall accept if possible, but can not fix date at present.

W. J. BRYAN.

Washington, D. C., Jan. 28, 1911.

Clyde D. Smith, Secretary Senate,
Austin, Texas.

I have just received your telegram conveying the resolution adopted by the Senate of Texas, inviting me to address it at such time during the month of February as may suit my convenience. I sincerely thank the Senate for the honor of its invitation, and deeply regret that the business of the Federal Senate is in such condition that I could not now make an engagement to absent myself from its sessions.

J. W. BAILEY.

SENATE BILL NO. 79.

On motion of Senator Ratliff, the pending order of business was suspended, and the Senate took up, out of its order, Senate bill No. 79, by the following vote:

Yeas—24.

Adams.
Bryan.

Carter.
Cofer.

Collins.
Hume.
Johnson.
Kauffman.
Lattimore.
Mayfield.
McNealus.
Meachum.
Paulus.
Peeler.

Ratliff.
Real.
Sturgeon.
Terrell, Wise.
Townsend.
Vaughan.
Warren.
Watson.
Weinert.
Willacy.

Present—Not Voting.

Murray.

Absent.

Greer.
Hudspeth.
Perkins.

Terrell, McLennan.
Ward.

Absent—Excused.

Astin.

The Chair laid before the Senate, on second reading,

Senate bill No. 79, A bill to be entitled "An Act to provide for the establishment, organization and control of public high schools in the common school districts of Texas, making an appropriation for the teaching of agriculture, domestic economy and manual training in said high schools and in certain high schools already established, and declaring an emergency."

Pending.

ADJOURNMENT.

On motion of Senator Hume, the Senate, at 5:05 o'clock p m., adjourned until 10:01 o'clock, tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Jan. 28, 1911.

Hon. A. B. Davidson, President of
the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred House Concurrent Resolution No. 14, have had the same under consideration, and I am directed to report it back to the Senate with the recommendation that it do pass.

JOHNSON, Chairman.

Committee Room,
Austin, Texas, Jan. 28, 1911.
Hon. A. B. Davidson, President of
The Senate.

Sir: We, your Committee on Federal Relations, to whom was referred House Concurrent Resolution No. 13, have had the same under consideration, and I am directed to report it back to the Senate with the recommendation that it do pass.

JOHNSON, Chairman.

Committee Room,
Austin, Texas, Jan. 28, 1911.
Hon. A. B. Davidson, President of
the Senate.

Sir: We, your Committee on Federal relations, to whom was referred Senate Concurrent Resolution No. 8, a resolution providing:

"A memorial from the Thirty-second Legislature of the State of Texas to the Third Session of the Sixty-first Congress now assembled at Washington, D. C., relative to the enactment of Federal legislation further restricting immigration to the United States,"

Have had the same under consideration, and I am directed to report it back to the Senate with the recommendation that it do pass.

JOHNSON, Chairman.

(Floor Report.)

Austin, Texas, Jan. 27, 1911.
Hon. A. B. Davidson, President of
The Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 131, A bill to be entitled "An Act to amend Chapter 80, Special Laws passed by the Regular Session of the Thirtieth Legislature of the State of Texas, approved April 15, 1907, and to amend Chapter 71 of the Special Laws passed by the Regular Session of the Thirtieth Legislature of the State of Texas, approved March 17, 1909, and to create a more efficient road law for Lee county, Texas, authorize and empower the said county to issue bonds or levy a tax for the construction of bridges and the construction and maintenance of public roads and highways in said county and regulating the compensation of certain officers, providing for the working of convicts on county roads, relieving certain persons subject to road duty from such duty upon the

payment of certain sums of money, providing for the number of days road hands are subject to duty and providing certain duties and powers of the commissioners courts of said county, and fixing the compensation of the members of said court for said service, providing for the collection of poll taxes due the county by labor upon public roads, providing for the condemnation of lands and property for public road use, providing for certain drainage ditches, pits, etc., and providing for the creation of road precincts and changes therein, and for the appointment of road overseers, and providing for the working of said public roads and providing that the commissioners shall be supervisors and instructors of said roads and for their salary therefor and providing for the prorating of all funds derived from road tax among the several commissioners precincts, and providing for the payment of officers' costs in cases where county convicts are worked upon county roads and authorizing and empowering commissioners courts to contract with individuals for the construction and repair of bridges and culverts and for the purchase of all necessary teams, tools and road machinery deemed necessary, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

Greer, Chairman; Ratliff, Perkins, Paulus, Johnson.

Committee Room,
Austin, Texas, Jan. 28, 1911.
Hon. A. B. Davidson, President of
the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 82, A bill to be entitled "An Act providing the manner by which the qualified voters of any county or common or independent school district of any county may by petition to the county judge cause the county judge of any county to order an election to determine whether or not such county, common or independent school districts may adopt the provisions of this Act for compulsory attendance by children between the ages of eight and fifteen years in such county or school district upon some public or other school; creating and defining certain

duties of county judges and election officers, and providing how the election aforesaid shall be had; providing that should such election result in favor of compulsory attendance of children between the ages named upon some school, then that the county judge shall order compulsory attendance upon some school of all children between the ages named in such county or school district; providing for the compulsory attendance upon the public schools in the county or district adopting the provisions of this Act and defining the duties of parents or persons having control of such child between the ages of eight and fifteen years and providing the length of term such child shall attend such school and providing penalties for the parent or person in charge of such child who violates the provisions of this Act, and exempting certain children from attendance upon some public school operating under the provisions of this Act; providing that if any parent or person in charge of such child or children are financially unable to furnish the necessary books then that the same under certain terms and conditions shall be paid for by the county; defining certain duties of the county; defining certain duties of the county superintendent, or the county judge with reference thereto, and prohibiting the regular employment of any children between the ages of eight and fifteen years where the school that such child should attend is in session and creating and defining offenses in violating this Act and prescribing a penalty therefor and defining certain exceptions; defining certain duties of persons taking the school census of the district within the provisions of this Act, and of the county judge, county superintendent, county attorney and district judge, and prescribing that any child between the ages of eight and fifteen years if found within any county or district accepting the provisions of this Act, having neither parent or other person in charge of them, shall be taken in charge of and conveyed to the State Orphans' Home and there attend school for the length of time prescribed in the Act, and prescribing certain directions and conditions with reference to such child, and prescribing certain duties for the commissioners court, sheriff and county judge; creating and defining certain offenses for violating certain provisions of this Act

and prescribing penalties therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PERKINS, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 110, A bill to be entitled "An Act to simplify the certification of teachers, repealing Sections 105, 106, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121 and 125 of Chapter 124 of Acts of the Twenty-ninth Legislature, Sections 122 and 124 of Chapter 124 of Acts of the Twenty-ninth Legislature, as amended by Acts of Thirty-first Legislature, Second Called Session, Chapter 7, and Sections 2, 3 and 4 of Chapter 68, and Sections 1 and 2, Chapter 149, Acts of the Thirtieth Legislature, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

PERKINS, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 39, A bill to be entitled "An Act to establish the Abilene State Normal College; providing that the State Board of Education shall control the same; providing for a local board of resident members in Abilene or Taylor county, Texas; fixing the time for the opening of said normal college; making an appropriation for the establishment of said college; making an appropriation to pay the salary of the president of said normal college for the year ending August 31, 1912, and to pay the salaries of the president and others employed in or by said college during the year beginning September 1, 1912, providing for the manner in which students shall be appointed to said normal college; providing for a meeting of the State Board of Education for the purpose

of establishing departments in said normal college."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do not pass, but the following committee substitute do pass in lieu thereof.

PERKINS, Chairman.

COMMITTEE SUBSTITUTE.

A bill to be entitled

"An Act to establish the Central West Texas Normal College, providing that the State Board of Education shall control the same, and making an appropriation therefor, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That a State Normal School for the education of white teachers is hereby established at a place in Texas in Twenty-eighth Senatorial District of the State. The name of said normal school shall be the Central West Texas Normal College.

Sec. 2. Immediately after the passage of this Act, the Superintendent of Public Instruction, the Presidents of the Sam Houston Normal Institute, the North Texas Normal College, the Southwest Texas Normal College and the West Texas Normal College, respectively, shall be and are hereby appointed a committee to locate said normal college.

Sec. 3. In considering the claims of each place that may ask for said school, the committee shall consider its healthfulness, accessibility, and the general intelligence and social conditions of its people, and shall take into consideration all the facts and circumstances of each place that desires the location of the said Central West Texas Normal College, and shall locate said normal college where it will most efficiently serve the State.

Sec. 4. The town in which said Central West Texas Normal College is located shall furnish twenty acres of land upon which to locate it without cost to the State. It shall be the duty of the Attorney General of the State of Texas to examine and approve the abstract of title to the lands that may be donated by the people of the town or city that may be selected as the location of said

normal college before the location shall be finally made.

Sec. 5. The said committee on location may employ a clerk at a salary not to exceed one hundred dollars per month, and traveling and office expenses, and shall make a full report to the State Board of Education of all their deliberations, and of their decision as to the location of said Central West Texas Normal College.

Sec. 6. Immediately after receiving the report of said committee on location, the State Board of Education shall name a local board of three citizens, resident in the city or county in which said Central Texas State Normal is located, who shall perform such services as the State Board of Education may prescribe.

Sec. 7. The State Board of Education shall immediately after receiving the report of said location committee, proceed at once to secure plans and specifications for the building or buildings of said Central West Texas Normal College, and to let the contract to the lowest responsible bidder for the erection of said building or buildings. Providing that said building or buildings shall be ready for use by September 1, 1912.

Sec. 8. The State Board of Education shall name the departments to be established in said Central West Texas State College, and shall elect a president, professors, instructors and other employes necessary for the organization and management of the same, and shall fix the salaries and compensation of those employed; provided, that the said Central West Texas State Normal College shall be strictly first-class in every particular, and not below the standards set for the other normal schools of this State; provided further, that the State Board of Education shall have authority to regulate the fees required of students and the salaries allowed all persons in any manner employed in connection with the normal school established by this Act.

Sec. 9. The State Board of Education shall name the fees, if any are to be paid by students, and shall fix the requirements for entrance into said normal college, and shall prescribe the conditions of certification and graduation of students of said normal college; provided, that the

requirements to obtain certificates, the length of time they shall be valid, and the conditions of cancellation of same shall be those prescribed for other certificates of the same grades issued by the State.

Sec. 10. It shall be the duty of the State Board of Education to elect a president of said normal school, at any time after the location of said normal college shall have been made; provided, that he shall be elected at least six months before the date for the opening of said normal college; and he shall draw his salary from the date of his acceptance of said election.

Sec. 11. The said Central West Texas Normal College shall be open for the reception of students not later than the first day of October, 1912. The sum of one thousand (\$1,000.00) dollars, or so much thereof as may be needed, is hereby appropriated out of any fund in the State Treasury not otherwise appropriated to pay the traveling expenses of the committee and for doing any other work necessary in locating said Central West Texas Normal College, and making the report required. All accounts against this fund shall be paid upon warrants, issued by the Comptroller, upon the approval of the Governor.

Sec. 12. The sum of seventy-five thousand (\$75,000.00) dollars, is hereby appropriated out of any fund in the State Treasury not otherwise appropriated, to purchase and equip a building or buildings establishing said Central West Texas Normal College, to be paid upon warrants issued by the Comptroller, after the account shall have been audited and approved by the State Board of Education.

The sum of twenty-seven thousand five hundred (\$27,500) dollars to be paid out of any funds not otherwise appropriated is hereby appropriated to pay the salary of the president of said Central West Texas Normal College, that may be rendered during the year ending August 31, 1912, and to pay the salary of the president, professors and other employes of said Central West Texas Normal College for the year beginning September 1, 1912.

Sec. 14. On or about the first day of June, 1912, the State Board of Education shall, after consultation with the president of said Central West Texas State Normal College,

meet and decide what departments shall be established in said normal college. They shall elect professors, instructors and other employes and fix the compensation of same. They shall fix the day of opening said normal school not later than October 1, 1912, and shall make all necessary arrangements for opening and managing said Central West Texas State Normal College; provided, that said board shall not create a deficiency debt against the State in establishing, equipping and running said school for the first year of its existence.

Sec. 15. The provisions of this Act and the appropriations herein provided for shall not become effective unless and until such city or town wherein said Central West Texas State Normal College is to be located shall furnish the State of Texas the grounds for the establishment of said Central West Texas State Normal College, as provided for in this Act, and the provisions hereof shall be of no further force or effect, and shall be void, except the appropriation to pay the expenses of the committee herein provided for to locate said college.

Sec. 16. The fact that the number of normal schools is inadequate to accommodate the number of young men and young women who are preparing for the profession of teaching, and that the establishment of more normal schools is a necessity, creates an emergency, and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is suspended, and this Act take effect from and after its passage, and is so enacted.

Committee Room,

Austin, Texas, January 30, 1911.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 61, A bill to be entitled "An Act to amend Chapter 164 of the General Laws of the State of Texas, passed at the regular session of the Twenty-ninth Legislature, approved May 1, 1905, relating to a system of State, county and city depositories for State, county and city funds, as amended by Chapter 90,

General Laws of the State of Texas, passed at the regular session of the Thirtieth Legislature and approved April 12, 1907, also relating to the same subject, so as to further define what banks or banking institutions may become State depositories, and providing for the advertising of bids for the safe keeping and the payment of the deposits of said funds; and further regulating such depositories, repealing all laws in conflict with this Act, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

PETITIONS AND MEMORIALS.

By Senators Ward, Lattimore, Bryan and Vaughan:

Petitions numerously signed by citizens of their respective districts asking the Legislature to change the present laws so as to eliminate Sunday fairs, shows, races, hunting, fishing, games, sports and excursions.

By Senators Adams and Jackson:

Petitions numerously signed by citizens of their respective districts asking the Legislature to amend Acts of 1905, page 318, or to enact legislation to allow commissioners courts of the several counties to make contracts with county attorneys for the collection of delinquent taxes and to allow them the same fees for collection as are permitted to others.

By Senators Peeler, Hume, Warren, Kauffman, Sturgeon, Adams.

Petitions numerously signed by citizens of their respective districts asking support of the following Senate bills:

Senate bill making it a misdemeanor for a person to give a check on a bank when the person has no money in said bank to meet the check on presentation.

Senate bill imposing a special tax on persons who sell so called bankrupt and damaged stocks of merchandise in towns other than their place of residence.

Senate bill amending the law as to peddlers by specially defining a peddler.

Senate bill giving mortgagee the right to inspect mortgaged property at any time.

By Senator Lattimore:

Petition from the Teachers' Insti-

tute of Nueces, Duval, San Patricio, and Aransas counties asking that the following laws be enacted:

Exempting school building bonds from exemption; providing for election of county school officers at a special election on a non-partisan ticket; providing for the election of county superintendents for longer term; making county superintendents compulsory in all counties of 2000 or more scholastic population; a law fixing salary of county superintendents high enough to guarantee best talent; a law providing a compulsory county school tax in lieu of the present State school tax.

By Senator Hudspeth:

Petition signed by the members of the El Paso county grand jury in session asking support of a measure authorizing El Paso county to issue bonds to establish a poor farm of its own.

Petition addressed to Lieutenant Governor Davidson unanimously signed by officers and employes of the Marshall and East Texas Railway Company protesting against the bill making it obligatory on railroads and other corporations to pay their employes twice each month.

By Senator McNealus:

Letter from the Secretary of the Board of Directors of the Dallas Chamber of Commerce advising that the latter body had adopted a resolution favoring legislation that will render void all hypothecation, sale or assignment of unearned wages.

By Senator Carter:

Petition unanimously signed by citizens of his district requesting support in defeating House bill No. 82.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, January 31, 1911.

Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.
Astin.

Bryan.
Carter.